

REMARKS

We trust that the examiner will now find the application to be in condition for allowance and reconsideration is respectfully requested. In this regard, the examiner will note that claims 39, 41, and 72-74 have been amended to overcome the objections raised. The specification has also been updated to reflect the fact that color drawing(s)/photographs(s) are no longer being submitted as part of the application. A marked up version of the amended specification and claims are included in an Appendix attached hereto. In the marked-up specification and claims, the words in brackets are being deleted and those underlined are being added by the amendment, which places the amended specification and claims in the form given above.

In the Office Action claims 39, 41, 72 and 74 are rejected under 35 USC 102(b) as being anticipated by Ausnit (U.S. Patent 4,514,962). Amended claim 39 of the present invention recites a tape comprising a lip having a U-shaped fold forming a closed end of said lip, an opposite wall connected to said lip opposite said fold and a flange connected to said opposite wall, said tape having a reclosable fastener portion connected thereto at an end of said lip thereby matable to a mating fastener connected to said opposite wall, said mating fastener having said flange juxtaposed thereto and being substantially parallel to an end of said flange. Ausnit reference '962 recites an arrow head shaped rib and a complementary groove formation (col. 2, lines 44-48). This arrow-head shaped rib and groove formation is mechanically closed with the flange 14 above and flange 21 below being open ended (see Figure 1). The Ausnit reference neither suggests nor teaches a tape comprising a lip with a U-shaped fold forming a closed end connected to a reclosable fastener, as in amended claim 39 of the present invention. As a result, Ausnit reference '962 does not anticipate claim 39 of the present invention. Amended claim 41,

which is fundamentally dependent on the structure of claim 39, also would not be anticipated by the Ausnit reference.

Amended claim 72 of the present invention recites a tape having a U-shaped fold forming a closed end of said tape, said reclosable interlocked fastener being connected to an open end of said tape, said open end opposite said fold. The Ausnit reference recites an arrowhead shaped rib and a complementary groove formation (col. 2, lines 44-48). This arrowhead shaped rib and groove formation is mechanically closed with the flange 14 above and the flange below 12 open ended (see Figure 1). The Ausnit reference neither suggests nor teaches a tape with a U-shaped fold forming a closed end connected to a reclosable fastener as recited in amended claim 72 of the present invention. As a result, Ausnit reference '962 does not anticipate claim 72 of the present invention. Amended claims 73 and 74 which are fundamentally dependent on the structure of claim 72 also would not be anticipated by the Ausnit reference.

In the Office Action, claims 39,41 and 72-74 are rejected under 35 USC 102(b) as being anticipated by Ausnit (U.S. Patent 4,528,224). Amended claim 39 of the present invention recites a tape having a lip with a U-shaped fold forming a closed end of said lip, an opposite wall connected to said lip opposite said fold, said tape having a reclosable fastener portion connected thereto at an end of said lip matable to a mating fastener connected to said wall. In the Ausnit reference, both hook type and arrowhead/groove type fastener strips are depicted with two sets of fastener strips per each assembly (see Figures 1 and 2). During manufacture, the sets of fasteners are separated at longitudinal cut lines, item numbers 22 and 35, creating two bags with open ends above the fastener strips. The Ausnit reference neither suggests nor teaches a tape comprising a lip with a U-shaped fold forming a closed end of said lip connected to a reclosable fastener as recited in amended claim 39 of the present invention. As a result, Ausnit reference '224 does not

anticipate amended claim 39 of the present invention. Amended claim 41, which is fundamentally dependent on the structure of claim 39, also would not be anticipated by the Ausnit reference.

Amended claim 72 of the present invention recites a tape having a U-shaped fold forming a closed end of said tape, said reclosable interlocked fastener being connected to an open end of said tape, said open end opposite said fold. As stated previously, in Ausnit reference '224 two sets of fastener strips per each assembly are shown. These fastener strips are separable at longitudinal cut lines 22 and 35 (col. 3, lines 58-63), thereby leaving open ends of webs 15 and 17. The Ausnit reference neither suggests nor teaches a tape with a U-shaped fold forming a closed end connected to a reclosable fastener as recited in amended claim 72. As a result, Ausnit reference '224 does not anticipate amended claim 72 of the present invention. Amended claims 73 and 74, which are fundamentally dependent on the structure of claim 72, also would not be anticipated by Ausnit reference '224.

In the Office Action, claims 39, 41 and 72-74 are rejected under 35 USC 103 a) as being unpatentable over Ausnit (U.S. Patent 4,514,962) or Ausnit (U.S. Patent 4,528,224). As stated, previously amended claims 39 and 72 of the present invention recite either a lip or a tape having a U-shaped fold forming a closed end and a reclosable interlocked fastener connected to the open end opposite said fold. Both Ausnit references '224 and '962 show fastener strips; however, during manufacture the fastener strips are closed but the bag area above the fastener strips is open ended. Combining the references neither teaches nor suggests a U-shaped fold forming a closed end and a reclosable fastener connected to the open end opposite said fold as recited by the claims of the present invention. As a result, it would not be obvious to one skilled in the art to either combine or separately use the two Ausnit references to produce the invention of claims

39 and 72. Amended claims 41, 73, and 74 which are fundamentally dependent on the structure of claims 39 and 72 also would not be obvious to one skilled in the art.

In view of the above, it is respectfully submitted that the claims as herein are patently distinguishable over the prior art and the application is now believed to be in condition for allowance.

Respectfully submitted,

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